

### **REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on September 10, 2003. Claims 1, 9, 16 and 26 are amended, claims 8, 18, 27 and 28 are canceled, and claims 38-40 are added; as a result, claims 1-7, 9-17, 19-26 and 29-40 are now pending in this application.

Claims 1 and 16 have been amended to further clarify that the route guidance that accounts for insignificant route segments includes route guidance that modifies a maneuver associated with an insignificant route segment. Claim 8 has been canceled without prejudice or disclaimer in view of the amendment to claim 1, and claim 18 has been canceled without prejudice or disclaimer in view of the amendment to claim 16. Claim 9 has been amended to further clarify that accounting for insignificant route segments includes nullifying some maneuvers associated with insignificant route segments and modifying other maneuvers associated with insignificant route segments. Claim 26 has been amended to further clarify that accounting for insignificant road segments includes nullifying the maneuver associated with some insignificant route segments and modifying the maneuver associated with other insignificant route segments. Claims 27-28 have been canceled without prejudice or disclaimer in view of the amendment to claim 26.

New claim 38 includes language recited in original independent claim 9 and original dependent claim 15. New claim 39 includes language recited in original independent claim 26 and original dependent claim 36. New claim 40 includes language recited in original independent claim 26 and original dependent claim 37.

### **Objections to the Specification**

The specification is objected to as failing to provide proper antecedent basis for the claimed subjected matter in claim 37. The objection stated: *"the specification does not teach determining insignificant road by going through the ordered steps set forth in claim 37."*

Applicant respectfully traverses the objection, and asserts that the ordered steps set forth in claim 37 are provided in the specification. Applicant directs the Examiner's attention to page 15 lines 3-5, page 18 line 17 to page 19 line 18 of the specification, and to FIG. 9. Applicant respectfully requests withdrawal of the objection.

*§103 Rejection of the Claims*

Claims 1-10, 13-14, 16-30 and 34-35 were rejected under 35 USC § 103(a) as being unpatentable over Yokoyama et al. (U.S. Patent No. 5,452,212) in view of O'Shea (U.S. Patent No. 6,199,013). Applicant respectfully traverses the rejection for at least the following reasons.

Yokoyama relates generally to a navigation system for vehicles with a guide control that has a landmark name setting section to set names of landmarks according to information about the landmarks. (Abstract). The cited portions of Yokoyama generally relate to a process for guiding a driver by the names of entry/exit interchanges where the names of entry/exit interchanges are set according to a selected route, where the process is ended if there are no names and the names are displayed within the route map if the interchanges have names. Applicant is unable to find, among other things, in the cited portions of Yokoyama, a showing or suggestion of accounting for insignificant route segments, nor a showing or suggestion of modifying a maneuver associated with an insignificant route segment. O'Shea relates generally to a maneuver generation program for a computer-based navigation system (Abstract). O'Shea distinguishes maneuvers from advisories (col. 19, lines 41-42). Advisories provide useful information at a node although no action is required (col. 18, lines 62-67). Applicant respectfully asserts that an advisory is not a modification of a maneuver. Applicant is unable to find, among other things, in the cited portions of O'Shea a showing or suggestion of modifying a maneuver associated with an insignificant route segment.

With respect to independent claim 1, Applicant is unable to find, among other things, in the cited portions of the Yokoyama and O'Shea references either a showing or a suggestion of an electronic navigational aid device where a processor and memory are adapted to cooperate to provide route guidance that accounts for insignificant route segments, including route guidance that modifies a maneuver associated with an insignificant route segment, as recited in the claim. Claims 2-7 either directly or indirectly depend on independent claim 1, and are believed to be patentable at least for the reasons provided with respect to claim 1.

With respect to independent claim 9, Applicant is unable to find, among other things, in the cited portions of the Yokoyama and O'Shea references either a showing or a suggestion of an electronic navigational aid device where a processor and memory are adapted to identify a

sequence of route segments and a sequence of maneuvers associated with the route segments, determine whether a route segment in the sequence of route segments is significant or insignificant, provide route guidance for a maneuver associated with a significant route segment, and account for an insignificant route segment prior to providing route guidance for the maneuver associated with the insignificant route segment, including nullifying some maneuvers associated with insignificant route segments and modifying other maneuvers associated with insignificant route segments, as recited in the claim.

Claims 10 and 13-14 depend on independent claim 9, and are believed to be patentable at least for the reasons provided with respect to claim 9. For example, Applicant is unable to find a showing or suggestion of determining whether a segment in a sequence of route segments is significant or insignificant by determining whether the segment has a name, as recited in claim 10, or by determining whether a route guidance maneuver for the segment and a route guidance maneuver for the successive segment qualify for modification as recited in claim 14.

With respect to independent claim 16, Applicant is unable to find, among other things, in the cited portions of the Yokoyama and O'Shea references either a showing or a suggestion of a navigation system where the system provide route guidance that modifies a maneuver associated with an insignificant route segment, as recited in the claim. Claims 17-25 depend on independent claim 16, and are believed to be patentable at least for the reasons provided with respect to claim 16. For example, Applicant is unable to find a showing or suggestion of a wireless channel as recited in claim 20, a remote server as recited in claim 21, streaming data as recited in claim 23, and cellular communication technology as recited in claim 24. Applicant respectfully asserts that the conclusion in the rejection lacks evidentiary support and the clear and unmistakable technical line of reasoning needed to rely on "common knowledge." Thus, pursuant to MPEP §2144.03 and 37 CFR §1.104(c)-(d), Applicant respectfully requests the examiner to provide references in support of the rejection.

With respect to independent claim 26, Applicant is unable to find, among other things, in the cited portions of the Yokoyama and O'Shea references either a showing or a suggestion of a method that accounts for an insignificant route segment, including nullifying a maneuver associated with some insignificant route segments and modifying the maneuver associated with other insignificant route segments, as recited in the claim. Claims 29-30 and 34-35 depend on

independent claim 26, and are believed to be patentable at least for the reasons provided with respect to claim 26. For example, Applicant is unable to find a showing or suggestion of modifying or nullifying the maneuver as recited in claim 29, determining whether the route segment has a name in a process for determining whether the route segment is significant as recited in claim 30, determining whether route guidance maneuvers for the route segment and a successive route segment qualify for nullification as recited in claim 34, and determining whether the route guidance maneuvers for the route segment and the successive route segment qualify for modification as recited in claim 35.

Claims 11-12, 15, 31-33 and 36-37 were rejected under 35 USC § 103(a) as being unpatentable over Yokoyama et al. (U.S. Patent No. 5,452,212) in view of O'Shea (U.S. Patent No. 6,199,013) and further in view of Hasegawa et al. (U.S. Patent No. 6,510,379). Applicant respectfully traverses the rejection for at least the following reasons.

Hasegawa relates generally to a pedestrian route guidance apparatus (Abstract). The cited portions of Hasegawa generally relate to deleting short line segments (extending in directions different from actual roads at a crossing portion on a wide road, a center traffic strip and overpass on roads) and merging continuous lines segments in the same direction and to deleting short arcs. Applicant is unable to find a showing or suggestion in the cited portions that a route segment is determined to be significant or insignificant based on whether the segment has a length less than a predetermined distance, or whether a segment in the sequence of route segments is significant or insignificant by determining whether the segment has a length less than a length of a successive segment.

Claims 11-12 and 15 depend on claim 9, and are believed to be patentable at least for the reasons provided with respect to claim 9; and claims 31-33 and 36-37 depend on claim 26, and are believed to be patentable at least for the reasons provided with respect to claim 26. For example, Applicant is unable to find, among other things, in the cited portions of the Yokoyama, O'Shea and Hasegawa references either a showing or a suggestion of determining whether a segment is significant by a combination of determining whether the segment has a name, has a length less than a predetermined distance, has a length less than a length of a successive segment,

and determining whether route guidance maneuvers for the segment and a successive segment qualify for nullification or modification, as recited in claims 15, 36 and 37. Further, Applicant is unable to find, in the cited portions of the references, a showing or suggestion of the order as recited in claim 37. Additionally, Applicant is unable to find, in the cited portions of the references, a showing or suggestion of determining whether the route segment has a length less than a length of a successive route segment.

Thus, Applicant respectfully requests withdrawal of the §103 rejections, and reconsideration and allowance of the claims.

*Reservation of the Right to Swear Behind §102(e) Reference(s)*

Applicant maintains its right to swear behind any reference(s) cited in a rejection under 35 U.S.C. §102(e). Statements distinguishing the claimed subject matter are not to be interpreted as admissions that a §102(e) reference is prior art.

Conclusion

All correspondence should continue to be sent to:

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Garmin International, Inc.  
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Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6960) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.


Respectfully submitted,

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By their Representatives,

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Date 12-9-03

By   
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9 day of December, 2003.

**Candis B. Buending**

Name

Signature

